

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 In re: EPHEDRA PRODUCTS LIABILITY : 04 M.D. 1598 (JSR)  
 LITIGATION :  
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 PERTAINS TO ALL CASES

STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.48)

JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on July 14, 2008, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be at 4:30 pm on the new date of Thursday, September 11, 2008.

2. Upon the Court's own motion with notice, the 23 cases listed in the Exhibit annexed to this order are dismissed with prejudice. The Court's motion to dismiss was unopposed in 19 of the cases. Opposition papers were filed by counsel for plaintiffs in four nearly identical putative class actions alleging violations of state consumer fraud statutes: Abrams v. General Nutrition, No. 06 Civ. 7881; Shawn Brown v. General Nutrition, No. 07 Civ. 6356; Harry Rodriguez v. GNC, No. 06 Civ. 2987; and Toth v. Bodyonic, No. 07 Civ. 2721. After hearing oral argument, the Court dismissed these cases with prejudice because

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of plaintiffs' failure to prosecute them as required by briefing schedules set by the Court and applicable case management orders.

3. A motion by Howard W. Erichson, professor of law at Fordham University, for payment of \$30,000 for ethics consultations in connection with the Metabolife and NVE mediations was granted as unopposed. A separate order will issue directing the Clerk to make the payment from the Ephedra Plaintiffs' Common Expense Fund.

SO ORDERED.



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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
July 28, 2008

EXHIBIT to Case Management Order No.48

CASES DISMISSED WITH PREJUCICE

*Miles v. Bayer Corp.*, No. 02 Civ. 8574

*Louis Stevens v. Vitafree*, No. 05 Civ. 3895

*Diane Nix v. Metabolife*, No. 05 Civ. 3902

*Morse v. Muscletech Research & Development*, No. 05 Civ. 5979

*Rusell Austin v. BDI*, No. 05 Civ. 6934

*Jason Hill v. NVE*, No. 05 Civ. 10080

*Hasani Jones v. HVL Inc.*, No. 06 Civ. 0088

*June Thomas v. Costco Wholesale Corp.*, No. 06 Civ. 1366

*Harry Rodriguez v. GNC*, No. 06 Civ. 2987

*Doucette v. Metabolife International Inc.*, No. 06 Civ. 4481

*Cate v. MII Liquidations*, No. 06 Civ. 4508

*Chapman v. Alpine Health Products, LLC*, No. 06 Civ. 4539

*Rebecca Welty v. MII Liquidations*, No. 06 Civ. 6627

*Joseph Salser v. MII Liquidations*, No. 06 Civ. 6629

*Audrey Meadors v. MII Liquidations*, No. 06 Civ. 6631

*Bonnie Simmons v. MII Liquidations*, No. 06 Civ. 6655

*Sherida Miller v. Premier Marketing et al.*, No. 06 Civ. 6659

*Everett Abrams v. General Nutrition*, No. 06 Civ. 7881

*Taylor v. National Urological Group Inc.*, No. 06 Civ. 13041

*Cowsert v. Nutrition & Fitness, Inc.*, No. 07 Civ. No. 0484

*Spicer v. New Image International, Inc.*, No. 07 Civ. 1084

*Andrew Toth v. Bodyonic*, No. 07 Civ. 2721

*Shawn Brown v. General Nutrition*, No. 07 Civ. 6356